EXHIBIT 49

Case 1:16@as@04ED6:tcGOD7D6XXLDCeDDCCctm2etfile6i404/1Eile6i 10/413/1261Pcage2 0fageID #: 4823

Ĩ	UASURUTS UASURUTS
1 2	UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORKx
3	UNITED STATES OF AMERICA
4	v. 03 CR 1452(LMM)
5	DAVID RUTKOSKE,
6	Defendant.
7	x
8	New York, N.Y. October 28, 2010
9	4:30 p.m.
10	
11	Before:
12	HON. LAWRENCE M. McKENNA
13	District Judge
14	APPEARANCES
15	PREET BHARARA United States Attorney for the
16	Southern District of New York BY: ANTONIA M. APPS
17	Assistant United States Attorney
18	ANDREW G. PATEL Attorney for Defendant
19	
20	
21	
22	
23	
2425	
20	

(Case called)

THE COURT: Good afternoon.

I have a couple of questions first.

First, I want to tell you what I have relative to sentencing. Believe me, I have very few sentences where I have as much paper as I have on this case, but I want to make sure I am not missing something I am supposed to have.

I have the presentence report which is dated May 11, 2006, the decision put on the record. I am sure you are familiar with it. This was originally Judge Casey's case. When the Court of Appeals reversed or remanded to the District Court, by that time Judge Casey had died and it was reassigned to me.

I should mention, unlike most cases, especially where there is a trial, I know a lot about the case. I really don't know what I would normally know in this case because I haven't been through the trial. I have read the presentence report and everyone's briefs, so I know what those tell me, but it is not like I sat in a trial and heard the witnesses and so forth.

Anyway, I have that and I have the first memorandum.

I have the government's presentencing memorandum which doesn't seem to have a date on it, but I got it on December 8 of 2009. That's when Mr. Brodsky was the AUSA on the case.

I have Mr. Patel's presentencing memorandum of May 17, 2010.

I have the government's reply sentencing memorandum that is dated October 12, 2010 which contains a substantial appendix.

And then, finally, I have Mr. Patel's presentencing reply memorandum which replies to the government reply memorandum of October 25.

Is anybody aware of anything else that has been submitted that I should have read that I haven't mentioned?

MS. APPS: Your Honor, I may have misheard the date for the PSR, but I have something dated May 23, 2006. It is the one with the recommendation.

THE COURT: What I have is, I believe, the original draft that was -- I think Ms. Apps sent me whatever I have.

MR. PATEL: What it is, there is a cover memorandum dated May 11, but the presentence report is actually dated May 23rd.

MS. APPS: Mr. Patel is correct. He has clarified the confusion.

THE COURT: That's right. I don't know how they managed to send a cover letter on May 11 enclosing something written on May 23. I have the same thing. So that resolves it.

So is there anything else that I should have?

MR. PATEL: Your Honor, the only thing -- and I don't think it is really phenomenally critical -- we had made a

reference to the letters that were attached to the original presentence submission by Mr. Rutkoske's prior counsel. They are generally letters of support.

THE COURT: I don't think I have ever seen those.

Now, letters like that very often disappear after a sentence.

This sentence occurred sometime around 2004, 2005, something like that.

MR. PATEL: I believe it was 2006.

Your Honor, there are two letters attached to my presentencing memorandum, the one from May.

THE COURT: Those I have.

MR. PATEL: I think those are really relevant to the issue before your Honor.

THE COURT: I have those, and I have read them.

I am not too sure where I would find them. I think we could probably try to requisition the file. I don't know where the file is. If you want me to read those letters, I could postpone this.

MR. PATEL: Your Honor, I think that we can go forward.

THE COURT: I assume that the letters are of the type that I am very familiar with. They are from family members and friends who know him personally. Since this is a first offense, probably some of them say, I can't believe he did something like this, and some of them testify to that he is a

```
good family man, etc., etc. I would expect letters like
1
 2
      that --
                          That is exactly correct. The only thing
3
               MR. PATEL:
      that was remarkable about them is that there were 65 of them.
 4
5
               THE COURT: That's a lot.
6
               Whatever you want me to do, I will do.
7
               MR. PATEL: Your Honor, I think that we should go
8
      forward.
9
               THE COURT: My next question is a question of Mr.
10
      Patel, and that is, have you reviewed the presentence report
11
      with Mr. Rutkoske?
12
               MR. PATEL: I have, your Honor.
               THE COURT: Finally, does either side have any
13
14
      disputes regarding any facts reported in the presentence
15
      report -- I am not talking about guidelines calculations or
      anything like there, but facts?
16
17
               MS. APPS: Not from the government, your Honor.
18
               MR. PATEL: Not such that would require a hearing,
19
      your Honor. Obviously, Mr. Rutkoske has maintained his
20
      innocence.
21
               THE COURT: I have read a lot of papers, but you may
22
     want to summarize or add to what you've submitted in writing.
23
               Mr. Patel, you go first.
24
               MR. PATEL: Your Honor, I think what this case really
25
      comes down to is, is there evidence before the Court that would
```

warrant a finding that the government has established a factual basis for the Court to find that there was a loss enhancement under the guidelines.

Our position is that there is not, that under the teachings of this case from the Second Circuit, the methodology for determining the loss -- and when I say "the loss," it is the loss caused by the fraud -- and in this case, there may have been market losses or investment losses by individual investors, but there has been no proof, certainly no proof by the method required by the Second Circuit, to establish that anyone at Lloyd Wade caused that loss.

In the case most favorable to the government, what the government established and what the Court of Appeals affirmed was transactional causation, that is, but for the statements of the brokers, these investors may not have purchased -- may not have purchased the stocks. But there is nothing to establish that anything that anyone at Lloyd Wade did to cause this loss.

Our expert has submitted to your Honor a report, a tax form memorandum which indicates that this was a start-up company. It had earnings in 1996 of approximately \$200,000 and in 1997, \$103,000. This was a start-up company. There were hundreds of such start-up companies. It didn't make it.

The one fact that is absent from any of the government's proof is, as the Court of Appeals said, why this scheme unraveled. If the brokers at Lloyd Wade were

controlling this stock in the way the government argues, there is absolutely no reason based on what Lloyd Wade did that NetBet shares aren't trading at \$16 a share today. That doesn't mean that Mr. Rutkoske — he was convicted by the jury, and that conviction was affirmed. And we are here in front of you to be sentenced today.

The question is, has the government established sufficient evidence or, in this case, any evidence by the method outlined by the Court of Appeals to establish a loss enhancement. There just is no evidence of that. So the enhancement that raised Mr. Rutkoske's guideline level by 16 levels, we would suggest and we think the evidence shows, is just unsupported.

The other thing, just to pass on briefly, your Honor, we are talking essentially guidelines issues here.

Mr. Rutkoske also received a four-level enhancement for leadership role. As we said in our papers, we believe that there is a confusion there between his corporate role and his role in the conspiracy. He was in Texas. The fraud was working out of a New Jersey office. He visited it five times. And the undisputed evidence is that the first time he went there, any fraudulent activity stopped. And there is equivocal evidence as to whether it was ongoing on the other occasions, but everyone remembers, the first time he came, they just shut it down. We acknowledge in our papers that this ship may have

sailed, so to speak, but we still think it is appropriate in the interests of justice to raise it at this point. And that is an additional four points.

Your Honor, that's the guideline issues that we have with the presentence report, but there are what we believe are some very compelling 3553(a) factors that we would ask your Honor to consider in determining Mr. Rutkoske's sentence.

And I don't know if your Honor wants me to go into those now --

THE COURT: You go ahead, and I will let the government respond to everything at once.

MR. PATEL: Your Honor, Mr. Rutkoske has two 11-year-old twin children, a boy and a girl, and attached to our presentence memorandum is a letter from the principal of their school and, essentially, the counselor at the school, both describe the dramatic impact that Mr. Rutkoske's incarceration had on his children and how they have rebounded since he has been home.

Mr. Rutkoske has served, effectively, a 21-month sentence and I believe he has learned his lesson. He has gone on and the projects that he is working on now, including clean energy technology and developing wind turbine farms in Texas are socially sound, environmentally protective, and he has disclosed these activities to the government. He has disclosed his conviction to people who he is working with on these

projects, and they are going forward. These projects, a wind farm in Texas will generate hundreds of job, if not thousands.

Just the construction of these projects is an enormous thing.

I am sure your Honor is well aware of the positive environment impact these projects have, carbon-free electricity.

So he has been putting his life back together in a positive way. And I think to send him back to prison now would really serve no useful purpose, would be detrimental to the projects that he is working on. Most importantly, it would be devastating for his children. Children are always the innocent victims of any criminal conduct. It is one thing for a person to go away and then come back, but for a parent to go away and come back and go away again, it is very, very difficult for a child, and I would ask for your Honor not to allow that to happen.

THE COURT: Mr. Rutkoske, is there anything that you would like to say?

THE DEFENDANT: Absolutely, if that's OK with you?
THE COURT: Yes.

THE DEFENDANT: Thank you for the opportunity to talk.

I am sorry to the Court for this whole matter coming

up. I am remorseful about it.

I am disappointed that NetBet didn't make it as a company when they had the games up and running. We were in operations with revenues and everything and had a casino, and

it was just the wrong time. The Internet was coming, and they were just a little early and it didn't make it. The sad part about that is investors lost money because NetBet didn't make it because it was early.

As Mr. Patel has said, this whole experience has been, nonetheless, very, very traumatic for myself and my wife and my kids, as I am sure you can appreciate. We were raising a good family. And it has been so hard on all of my family. My wife is not here today because my kids were so petrified that I was coming here today that she had to stay home to kind of hold their hand and make sure they were going to be OK.

The things that happened to me -- trauma happens in people's lives and it is kind of what you do with it. I've always tried to remake myself and learn from the past and go forward in a better way. And I even give an analogy to the movie, if everyone remembers, back in the '50s, a Christmas movie, It's a Wonderful Life with Jimmy Stewart --

THE COURT: I think it is even older than that.

THE DEFENDANT: I thought it was '54 or something like that, anyway, we all know the movie. But he was taken away from his life and he got a chance to see what life was without him and was able to come back.

Well, I have had that same opportunity to see what life was like without me around while I was incarcerated with both my kids and my wife and even reflect back on the events of

Lloyd Wade Securities, and it makes you certainly appreciate your wife and kids more and it makes you appreciate things of the past, investors and their aspirations. That is why I have learned quite a bit from that, how to be more appreciative of my family — which I was before, but it is really a It's—a—Wonderful—Life type of event. I certainly have a bigger appreciation for trying to keep better controls on people that are out there representing you, make sure that people don't misrepresent you in the future, because that's important, obviously.

As Mr. Patel said, in looking to go forward in my life, I really tried to focus on something that I felt would be giving back and accomplishing something for my community or the state of Texas as well as this country. And the wind farm that I have been working quite heavily on, it is at 740 megawatts, which is enough to light about 350,000 homes. It represents about 7 percent of the total wind power in the state of Texas, and something of that magnitude, it makes a difference in terms of helping our country and Texas lessen our dependence on foreign oil. Our job report says that we will create 3,260 jobs. So I have tried to focus on something that gives back and is good for me and good for the state of Texas and good for the United States of America because I love my country.

I guess, in closing, your Honor, I leave it to you but I ask you for your mercy, not to send me back to prison and

incarcerate me again. I have a lot going for me with the wind projects and my family, but I leave it up to you.

The last thing I would ask, if it is possible to give me a recommendation to have my civil rights or civil liberties restored, please.

Thank you.

THE COURT: Ms. Apps.

MS. APPS: Your Honor, with respect to loss, Mr. Patel argues that there is no proof that anyone at Lloyd Wade caused the loss. This was a case about a pump and dump scheme. The evidence at trial involved deliberate attempts to acquire large blocks of NetBet stock and then use boiler room tactics to dump them on unwitting investors.

So the notion that Lloyd Wade in no way caused any of the loss here seems to me to defy common sense, particularly in light of the fact that the evidence was that at various points in time, Lloyd Wade brokers controlled 90 percent of the market share. So the question ultimately is, what is the loss. On that factual record, it absolutely had to have been and was caused by Lloyd Wade brokers.

So the question is, how do you measure this? And there were various attempts previously to measure this with giving some value to NetBet stock by the government's expert at trial, really just to give some kind of measure of things.

Following the Court of Appeals decision, the

government obviously submitted to the Court the record evidence about the true value of NetBet stock. And I think that the evidence did show that this stock was, effectively, worthless. It was the subject of this pump and dump scheme. There was the research person, Mr. Ardt, who testified that it was worthless. The government certainly argued at trial that it was nothing but a shell company. So the Court has that information set out in the papers. That is one possible approach to measuring the loss here.

The other approach is to look at the victims who testified at trial. Mr. Patel, I just heard him say that this but-for causation, the investors wouldn't have bought but for the loss, doesn't cut it under the Court of Appeals decision. But that simply is not case.

This is a different methodology than was previously before the Court of Appeals in this case. The Rutkoske Court of Appeals was considering an analysis which just took the whole outstanding shares and multiplied it by a number, very different analysis.

If you look at it just from the victims' point of view, what you have is a case of some victims who wouldn't have bought the stock but for the fraudulent boiler room tactics.

And the Court of Appeals decision in Leonard, which comes after Rutkoske is on all fours with this case, and that decision says, what you do is, you basically rescind the residuary

measure of damages, essentially, and you go back to zero, but you give some credit to the defendant for whatever value of an asset that is bestowed. In other words, if you cannot completely unwind, you give them credit.

And what the government did in its alternative loss methodology that we put forth in our recent papers was to add up the amount that these four victims who testified at trial invested and subtracted from that whatever the value was of the NetBet stock on the last NetBet statement that they got from Lloyd Wade, not because we think that that value is true, but that is just a way -- a very generous or a conservative way, I should say -- of measuring whatever the value was, what they got on the last statement, what the investors got back. The numbers, obviously, are set forth in our brief, but that is just an alternative way to measure the loss in this case.

Actually, I just want to mention one other thing that was put forth in Mr. Patel's reply papers which we didn't respond to, obviously, but a very similar argument put forth where what Mr. Patel does, he sets up this sort of straw man argument, if you like, because he says, these cases all have to be considered in the accounting fraud rubric type case. You have to have what he calls loss causation.

And the next step in Mr. Patel's analysis is, in order to get any loss at all under that analysis, you have to have a date certain when the fraud was revealed to the market. And

then he said, well, you can't have a date certain in a case like this because, of course, nothing like an accounting fraud case, there isn't some public announcement revealing the fraud, but that was an entirely, we submit, circular argument. It sets out this notion that the only way to look at loss in a case like this is to fit the case within the accounting fraud rubric and then say you can't possibly ever find loss there because it is not like an accounting fraud case and doesn't have a date of a public announcement. So that, we submit, is not an appropriate or the right way to look at loss in this case.

As I said before, the Court could either go, depending on the Court's view of the analysis of NetBet being worthless with that loss amount, which is obviously very high, in the 10 to 12 million range, or it would be the four victims for which we have concrete evidence in the trial record that they would not have purchased their stock but for the fraudulent tactics of the Lloyd Wade brokers.

May I just turn to the leadership role argument, your Honor?

I think that argument is foreclosed. The case law which we set forth in our papers is very clear that when the Court of Appeals issues a mandate back to the District Court for a very narrowed or limited purpose, that does not authorize the District Court to go back to the issues that were not

remanded. And in this case, the Court of Appeals decision is very clear that it is just being remanded on the loss issue.

In any event, to the extent the Court considers this, under Section 3553(a) factors, we would submit that Rutkoske was very much involved in the pump and dump scheme in this case. He had to sign a broker agreement to get the blocks of stock and he had to approve various trading activity, so he was very much involved in the scheme in terms of his role.

Your Honor, the only point I would make under 3553(a), as the Court is aware, this was a serious offense. Many co-defendants were sentenced already in this case. And Mr. Rutkoske was the head of Lloyd Wade, I believe, and a senior member of this fraud. And it is a serious, serious offense.

So if the Court has nothing further, I have nothing to add.

THE COURT: Mr. Patel.

MR. PATEL: May I very briefly, your Honor?

The scheme or the methodology that I laid out, it was not my idea to say that you had to come up with a reveal date for the fraud. That was the instruction of the Court of Appeals. I simply followed what the Court of Appeals said we were supposed to do. And this is just that the evidence that the Court of Appeals said was needed for this loss enhancement wasn't there. It is just what the court said.

In terms of the looking at the victims, that is simply

repackaging the very same method on a smaller scale. So instead of saying we are going to look at all the investors, we are just going to look at the four that testified. But the methodology doesn't advance the requirement the Court of Appeals found.

Leonard does not help the government because Leonard did not involve the market, and that is what the government would like — the effect of the market is what the Court of Appeals was saying had to be considered in terms of determining the loss. No one is suggesting that the investors didn't lose money. That is why the Court of Appeals affirmed his conviction. But there is a method that the Court of Appeals required. I merely followed the path laid out by the Court of Appeals and looked for the evidence in the record and it wasn't there.

THE COURT: By the way, I didn't mention it before, but I have read the Court of Appeals decision remanding the case to the District Court a number of times, and I am quite familiar with it.

I repeat again, this was not my case, not my trial. The original sentence was not mine. I have tried to stay within the green band and as close as possible to what I perceive to be Judge Casey's thinking on the issues that were not remanded, that were not the subject of the appeal, and I come out as follows.

In the Court of Appeals decision in this case, the court said, "We see no reason why considerations relative to loss causation in a civil fraud case should not apply at least as strongly to a sentencing regime in which the amount of loss caused by a fraud is a critical determinant of the length of the defendant's sentence."

In <u>United States v. Olis</u> which is a Fifth Circuit case at 429 F.3d 540, the year is 2005, which is cited by the Court of Appeals in this case with approval, the Fifth Circuit said, "There is no loss attributable to a misrepresentation unless and until the truth is subsequently revealed and the price of the stock accordingly declines." That is at page 546.

The Second Circuit in this case notes that in Olis, the Fifth Circuit was applying the teachings of the Supreme Court in Dura, a pharmaceuticals case.

Now, the government has not identified or even suggested a point in time in this case when the truth was revealed -- indeed, if it ever was revealed. I don't think the conclusion suggested by the case law can be avoided on the ground that the stock was worthless. There was evidence that it did have some computer infrastructure and actual games on the Internet at some sort of an office although, apparently, it was not a very impressive office. And it did have some income, and it was, I think, owed a fairly substantial amount of money by somebody else. A company isn't worthless if it is a very

small company and it is not doing very well. It had something, and it was not worthless in my estimation.

The government's recent suggestion that more should be based on the specific situation of the four NetBet stockholders which was set forth in the government's reply is not, in my view, consistent with the Court of Appeals remand which requires a recalculation of the total loss as found by Judge Casey according to Olis.

I would add that the <u>Confredo</u> and <u>Leonard</u> cases cited by the government really relate, in my mind, to different situations than what we are dealing with here. <u>Confredo</u> was a bank fraud where somebody sent in a very large number of — I forget what it was — fraudulent loan applications which were accepted by the bank. Money was received. All in one fell swoop.

In the <u>Leonard</u> case, I think the distinguishing factor there is that the securities were illiquid, and that was the difficulty that the Court of Appeals was dealing with. After it went through some — I hate to use the word "contortions," but some sort of steps which convinced them that they were dealing with security — no, that is <u>Confredo</u>, I think. In any event, in the <u>Leonard</u> case, the securities were illiquid securities, and that's why they had to deal with them the way they did. And I do not think that is the case here. Indeed here, as the whole record shows, there was a market, whether

thin or not thin really does not make too much difference, but there was a market in NetBet stock. Anybody having NetBet stock could sell it on the market.

Finally, we get to role enhancement.

I do not think the Court of Appeals mandate extends to my reconsideration of Judge Casey's findings as to role enhancement. I don't think that is before me at all.

I obviously have to, first, in any case determine the guidelines range. So I find here that the correct guideline, calculation is a total offense level, after I take out 15 for the amount of loss to be 16, with a criminal history category I which results in a guidelines range of 21 to 27 months.

Counsel for the defendant has shown that defendant has served, prior to release on bail, 18 months and 27 days and would be entitled to good time credit in an amount that leads to the conclusion that he has now served the equivalent to 21 months, which is the bottom of the guideline range. And I am sentencing Mr. Rutkoske's to 21 months of imprisonment which is, in effect, time served.

Now, I am going to impose the same conditions of supervised release that Judge Casey did. Again, I don't think that is part of the remand. And I understand from the docket, from the 255 goes to include two years of supervised release on each of Counts, I think, it is 1 and 2, to run concurrently with each other; \$117,000 in restitution without interest, and

then there would be in addition \$200 in special assessments.

I think I have that right. If Ken says it is right, it is.

MR. PATEL: I just wondered, how much was the restitution, because the restitution has to be based on the loss amount, in my understanding of the statute.

THE COURT: I do not think that's true. I think the restitution was not part of the remand. The loss amount, as it affected the sentence was what was remanded, and I don't know how Judge Casey calculated it -- but this isn't before me on remand. He set a restitution amount of \$117,000. That wasn't the --

MR. PATEL: Your Honor, actually, if I may have a moment, your Honor.

Your Honor, I believe on page 180 of the Second
Circuit opinion, it says, "The District Court's basic failure
at least to approximate the amount of loss caused by the fraud
without even considering other factors relevant to the decline
in NetBet share price requires a remand to re-determine the
amount of loss, both as far as the purpose of sentence and
restitution."

Your Honor, under the statute, to the best of my recollection, restitution is pegged to the amount of the loss.

THE COURT: I can make a final restitution order, I believe, within 30 days of sentencing. So why don't you submit

that in writing. I just don't have the entire recall of all of the papers in this case because it is an old case. I know that the docket reflects that it is \$117,000, which is what I thought from the docket that's --

MR. PATEL: Your Honor, one other point I would like to ask your Honor to consider.

THE COURT: Give me a minute.

MR. PATEL: Sure, your Honor.

THE COURT: I want to refer you to the judgment as reflected in the docket resulting from Judge Casey's sentence of 108 months on each count to run concurrently, \$117,000 in restitution. I guess I am going to have to revisit all of that.

Get something out within five days with a copy to the government and the government can respond. I have 30 days. It is a 30-day window to deal with restitution. I was assuming that the docket accurately reflected what was actually was going on in the judgment, but I may be wrong.

MR. PATEL: I think, actually, that the amount of restitution that was ultimately ordered was the amount that the loss was based on which was 12 million.

THE COURT: That may well be the case which I didn't realize.

MR. PATEL: Right. The loss and restitution under the statute to the best of my recollection --

1 MS. APPS: No.

MR. PATEL: Ms. Apps.

MS. APPS: Forgive me. I have had a long day.

MR. PATEL: Yes, you have.

THE COURT: I don't think that's the case.

Restitution and intended loss for guideline purposes have to be the same.

Government, do you have anything on it?

MS. APPS: No, I don't think they have to be the same.

THE COURT: But isn't there a law that says in the fine restitution, one thing you do have to look at is the ability of a person to pay restitution and, obviously, \$117,000 and \$10 million or something, would make a difference in somebody's ability to pay that? I couldn't pay either one of them.

MR. PATEL: Your Honor, the other issue that I wanted to ask your Honor to consider, Mr. Rutkoske has been on, essentially, supervision since his release on May 23, 2008 which means that he would have effectively already served two years of supervised release. If your Honor were to nunc protunc the date of his supervision to that date.

And I can assure you, your Honor, I have spoken to his pretrial services officer in Texas, both of them. They have enough. He has the thickest folder in the office. It is not that he is a problem child, it is just that they have to write

monthly reports -- no problem, no problem.

THE COURT: Pretrial and post sentence supervision are different names. They are in this district, and I assume it is the same in Texas, supervision would be transferred from pretrial services officer to probation.

MR. PATEL: I think it may be literally --

THE COURT: It may be different in Texas.

MR. PATEL: Apparently, it is the same office.

THE DEFENDANT: It is the same office, the same people.

THE COURT: I will leave it like this. I am leaving the sentence the way it is. Obviously, the appropriate officer who is dealing with this in Texas, if they think it should be terminated -- and I have had this from probation officers over the years, they ask me or tell me if they think it should be terminated.

MR. PATEL: Very good, your Honor.

THE COURT: One thing I should have said, though, when I said I was imposing conditions of supervised release, supervised release in this particular case is to be by the district in Texas, by the Eastern District of Texas, not by this district.

MR. PATEL: Thank you, your Honor.

May I have a week to get that brief on restitution in to you?

U OASURUTS

1 THE COURT: Yes. 2 And then Ms. Apps can have a week to respond to it. 3 MS. APPS: Thank you. 4 MR. PATEL: Just one other request, your Honor. 5 that sentence has been imposed and Mr. Rutkoske is no longer on 6 bail, may his passport be returned to him and may he travel 7 abroad? 8 THE COURT: His passport will be returned to him, yes. 9 He may travel abroad with the permission of whatever officer is 10 supervising him. I do not have an objection to him doing it, 11 but I think that should go before the officer. The objection 12 that I had prior to sentencing isn't applicable anymore. I 13 know this came up before and I said that he can travel all 14 through the U.S but not overseas. I have no objection to that 15 anymore, but it is a decision to be made, in the first 16 instance, by whoever is in charge of his supervised release. 17 You may report my views on that to them. 18 MR. PATEL: Actually, what I was going to do, your 19 Honor, is ask to get an expedited copy of the sentencing --20 THE COURT: I will authorize that if you just fill out 21 the form. 22 MR. PATEL: Thank you very much. 23 THE COURT: Thank you all. 24 25 0 0 0